

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

ARGHAVAN LOUHGHALAM and
MAZDAK POURABDOLLAH TOOTKABONI

Plaintiff-Petitioners,

FATEMEH YAGHOUBI MOGHADAM,
BABAK YAGHOUBI MOGHADAM,
ALI SANIE, ZAHRASADAT MIRRAZI
RENANI, LEILY AMIRSARDARY, and
OXFAM AMERICA, INC.

Plaintiffs,

and

No.17.cv-10154-NMG

COMMONWEALTH OF MASSACHUSETTS
and UNIVERSITY OF MASSACHUSETTS,

Plaintiff-Intervenors,

v.

DONALD TRUMP, President of the United
States; U.S. DEPARTMENT OF HOMELAND
SECURITY (“DHS”); U.S. CUSTOMS AND
BORDER PROTECTION (“CBP”); JOHN
KELLY, Secretary of DHS; KEVIN K.
MCALEENAN, Acting Commissioner of CBP;
and WILLIAM MOHALLEY, Boston Field
Director, CBP,

Defendants.

DECLARATION OF CAROL A. STARKEY

I, Carol A. Starkey, hereby declare under oath that the following statements are true and accurate to the best of my knowledge and belief.

1. I am a partner at the law firm of Conn Kavanaugh Rosenthal Peisch & Ford, LLP, located in Boston, Massachusetts. I am the President of the Boston Bar Association (“BBA”). The BBA is a non-profit organization that currently comprises 13,000 members of the Greater

Boston legal community. The BBA traces its origins to a small group of lawyers in the late 1700s organized by John Adams, who provided pro bono representation to British soldiers prosecuted for the Boston Massacre.

2. The mission of the BBA is to advance the highest standards of excellence for the legal profession, facilitate access to justice, serve the community at large and promote diversity and inclusion.

3. The Council and governing body of the BBA is composed of 34 elected and appointed attorneys from law firms of all sizes, in-house counsel, government agencies, legal services organizations, and academic institutions. At critical moments after September 11, 2001, the BBA has adopted public policy positions and signed onto amicus briefs to protect civil liberties and equal protection when unduly threatened under a pretense of national security justification. After explosives were detonated at the finish line of Boston Marathon on April 15, 2013, the BBA once again affirmed its commitment to increase access to justice by forming a hotline to connect [individuals and businesses affected by the Marathon Bombings](#) with pro bono legal assistance ranging from filing [One Fund](#) claims and seeking Federal and State benefits to dealing with issues related to insurance, real estate, bankruptcy, employment, non-profit status, and other related issues. The BBA believes that President Trump's recent issuance of the Executive Order titled *Protecting The National From Foreign Terrorist Entry Into The United States* presents another such critical moment.

4. The Executive Order restricts the liberties of legal permanent residents based upon their country of origin. Based upon longstanding principles of due process and equal protection, a generalized fear of terrorism does not justify the erosion of individual freedoms alleged by the petitioners in this case. On January 30, 2017, in my capacity as President of the

BBA and on behalf of the Association, I issued a public statement expressing these concerns. A copy of this statement is attached at **Tab A**.

5. The interests of the BBA's members, and the clients whom we represent, and the legal services organizations with whom we partner, are at stake in this litigation. The attorneys in our association represent many of Boston's best known universities, health care institutions, technology companies, and legal service organizations. Our members' clients employ, teach, or provide legal services to significant numbers of legal permanent residents, some of whom originate from one of the seven countries targeted by the Executive Order. Those institutions have an interest in protecting against the economic disruption caused when their faculty, students, employees, clients and their family members are detained or prevented from reentering the United States in order to resume work or studies in Massachusetts.

6. Finally, the BBA is also concerned that the Executive Order promotes invidious forms of discrimination among members of our community. The BBA has a long history of strong opposition to proposals which would use national origin, race, ethnicity, religion, gender, gender identity, sexual orientation, or other integral individual traits as the basis for discrimination in any form.

7. The Executive Order is contrary to the longstanding core values of the BBA of access to justice and diversity and inclusion, and to stand in defense of the United States Constitution, its sacred promises, and the rule of law that it established, all of which apply to citizens and non-citizens alike.

8. The BBA supports the petitioners' efforts to subject the Executive Order to serious constitutional scrutiny, as well as the efforts of Massachusetts Attorney General Maura Healey to intervene in this action on behalf of the Commonwealth of Massachusetts.

Signed under the pains and penalties of perjury this ____2__ day of February, 2017.

/s/ Carol A. Starkey

Carol A. Starkey

President, Boston Bar Association

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TAB A

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 FOR IMMEDIATE RELEASE:
1/30/2017

Statement by BBA President Carol A. Starkey on President Trump's Executive Order on Immigration

As President of the Boston Bar Association (BBA), I am asking the 13,000 legal professionals that comprise our membership to stand with us in the service of our communities and one another, to ensure that individual and due process rights remain valued and protected as bedrock principles in the implementation of our laws. And in standing with the BBA, an organization that traces its roots to John Adams, one of our country's founding fathers and architects of the rule of law, I am proud to state the BBA's unequivocal opposition to any effort to create a separate and more onerous admission standard for immigrants based solely on their country of origin.

The Executive Order titled "*Protecting the Nation From Foreign Terrorist Entry Into the United States*," which specifically targets inhabitants of seven different countries for disparate treatment, runs afoul of not only federal law (8 U.S.C. 1101(a)(13)(C)) but also both the Due Process Clause, which was originally written into our Bill of Rights, and the Equal Protection Clause, which was granted under the 14th Amendment. The people affected by this unconstitutional Executive Order are members of our own communities — people who are students, professors, scientists, refugees, and permanent residents — neighbors who obtained and hold valid green cards to live and work in our country. As lawyers, we are called to speak out against this action, and to, once again, stand in defense of the Constitution, its sacred promises, and the rule of law that it established—all of which apply to citizens and non-citizens alike.

The BBA has a long history of strong opposition to proposals which would use national origin, race, ethnicity, religion, gender, gender identity, sexual orientation, or other integral individual traits as the basis for discrimination in any form. This practice speaks to the heart of who we are as an organization of lawyers — to preserve access to justice for all of us — not just a few of us. Federal immigration policy should be no exception, especially given the extensive background and security checks already in place for all immigrants. The BBA has spoken out against such practices in the past—as recently as one year ago, when we expressed our opposition to proposed federal legislation to discriminate against Iraqi and Syrian refugees —and we will continue to do so now and in the future, with your voices and your help behind us.

The BBA is currently mobilizing its membership to both aid those immediately affected by this Executive Order, and to identify resources that can be made available to those needing legal advice or assistance.

Through all of our efforts, know that the BBA will continue to do everything we can to support the rule of law, as well as the core values of access to justice and diversity and inclusion, which help keep the fundamental promise that all of us will enjoy due process and equal protection under the law. As lawyers, now is the time for all of us at the BBA to show, through our actions and our words, that we can continue to advance respectful, innovative, and common-ground solutions to these big challenges. Today, and every day, we must show Boston, the country, and the world how important the role of being a lawyer is in our society.

The Boston Bar Association traces its origins to meetings convened by John Adams, who provided pro bono representation to the British soldiers prosecuted for the Boston Massacre and went on to become the nation's second president. Its mission is to advance the highest standards of excellence for the legal profession, facilitate access to justice, serve the community at large and promote diversity and inclusion.